

FILED

NOV - 5 2014

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ST. MICHAEL D. BALZARINI,
Plaintiff,

v.

DR. W. ULIT, et al.,
Defendants.

No. C 13-01486 BLF (PR)

ORDER OF DISMISSAL

(Docket No. 54)

Plaintiff Mr. Michael D. Balzarini, a state prisoner, filed the instant civil rights action in *pro se* pursuant to 42 U.S.C. § 1983, against a prison medical official, Dr. Chudy.¹ Plaintiff was granted leave to proceed *in forma pauperis* ("IFP") at the outset of this action. (Docket No. 5.) On September 15, 2014, the Court granted Defendant's motion to revoke Plaintiff's IPF status pursuant to 28 U.S.C. § 1915(g). (See Docket No. 49.) Plaintiff was granted fourteen days to pay the full filing fee to avoid dismissal of the case without prejudice. (*Id.*) Thereafter, the Court denied Plaintiff's motion for an exception to the IFP revocation, and directed Plaintiff to pay the filing fee by October 6,

¹The third amended complaint, (Docket No. 10), is the operative complaint in this matter.

1 2014. (Docket No. 51.) The deadline has since passed, and Plaintiff has failed to pay the
2 filing fee. Accordingly, this action is DISMISSED for failure to pay the filing fee.

3 Plaintiff filed a "Notice of Motion and Motion for Re-hearing and Supplemental
4 Pleadings," (Docket No. 54), which appears identical to a previously filed motion under
5 28 U.S.C. § 1291, except for the supplemental documents. (Docket No. 54.) To the
6 extent that Plaintiff is attempting to file a motion for reconsideration, the motion is
7 DENIED for the same reason that his request for an exception to the IFP revocation was
8 denied. (See Docket No. 51.) Plaintiff shall file an appeal directly with the Ninth Circuit.
9 Meanwhile, no further motions for reconsideration of the revocation of Plaintiff's IFP
10 status shall be considered by this Court.

11 The Clerk shall terminate Docket No. 54, and close the file.

12 **IT IS SO ORDERED.**

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14 DATED: 11-5-2014

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16 BETH LABSON FREEMAN
17 United States District Judge
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